

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
Office of the Clerk  
80 North Hughey Avenue  
Orlando, Florida 32801

Sheryl L. Loesch  
Clerk

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**NOTICE TO PERSONS POSTING BOND MONIES**

Subject: Procedures for Effecting Return of Monies and/or Other Collateral

This informational memorandum is provided to persons posting bail monies and/or other collateral pursuant to Fed.R.Crim.P. 46 and Chapter 207 - Release and Detention Pending Judicial Proceedings of Title 18, United States Code.

It is highly recommended that such individuals read the relevant federal rules and statutes and be aware of all restrictions imposed upon the Defendant through the Court's release order.

In making such deposits, it is also imperative that individuals fully understand the limitations imposed upon the Clerk's Office with respect to any possible return or exonerations of such deposits. As a general rule, the following conditions apply to the return of monies and/or other collateral:

- (a) **Court Order Required:** Monies and/or other collateral can only be returned by the Clerk's Office after receipt, docketing and processing of an appropriate Court order.<sup>1</sup>
- (b) **Return to Individual Making Deposit:** Unless otherwise directed by Court order, or unless a proper assignment of the deposit has been filed with the Clerk's Office, return of monies and/or other collateral can only be made to the individual responsible for making the deposit with the Clerk's Office.
- (c) **Responsibility for Preparing Court Order:** It is the responsibility of counsel to ensure proper disposition of all matters relating to a criminal case, including the final disposition of cash bail or collateral deposit. However, to assist the parties, the Clerk's Office will attempt to track the case and prepare proposed Court orders directing return of deposits under the following circumstances:
  - (1) **Judgment of Acquittal:** When a judgment of acquittal has been entered by the Court and docketed in the Clerk's Office.
  - (2) **Judgment of Conviction with Probation in Lieu of Commitment:** W h e n a judgment of conviction contains only a term of probation in lieu of commitment.

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<sup>1</sup> Fed.R.Crim.P. 46(f) provides in part that "(W)hen the condition of the bond has been satisfied or the forfeiture thereof has been set aside or remitted, the **Court** (emphasis added) shall exonerate the obligors and release the bail."

- (3) Judgment of Conviction and Immediate Commitment: When a judgment of conviction directs the US Marshal to take immediate custody of a Defendant.
- (4) Judgment of Conviction and Reporting Date for Commitment: When a judgment of conviction permits a Defendant to report to the US Marshal and/or a particular institution on a specific date and written verification of the Defendant's actual reporting is docketed in the Clerk's Office.

**SPECIAL NOTE:** In cases of extreme hardship, the Court may accept oral confirmation of Defendant's compliance with the reporting instructions from the US Marshal.

Preparation of such orders by Clerk's Office personnel is intended as a courtesy. However, due to the press of other business, the Clerk's Office may not always be able to prepare such orders or ensure that they are done so in a timely manner. Consequently, the offering party is again reminded that the ultimate responsibility for effecting the return of deposits is vested with the individual making the deposit and counsel.

- (d) **Disbursement of Monies:** After the Order has been signed by the Court and docketed, it is then forwarded to the Financial Section in Jacksonville for processing. Upon receipt by the Financial Section, action is promptly taken to close out the pending account and to issue a check to the appropriate individual within 3-5 working days.

If you have any questions about this memorandum, or the general procedures relating to depositing and possible return of cash bail and/or other collateral, please discuss the matter with counsel or the appropriate docket clerks.

SHERYL L. LOESCH  
CLERK